

S.B.CIVIL WRIT PETITION NO.6287/2006
(Jyoti Prakash Vs. Samastha Ghanchha Samaj & anr.)

DATED : 9th August 2007

HON'BLE MR.JUSTICE DINESH MAHESHWARI

Mr.M.R.Singhvi for the petitioner
Mr.J.Gehlot for the respondent No.1.

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Though the matter has been placed for orders on application, IA No.2064/2007 whereby the petitioner essentially wanted this writ petition to be heard alongwith S.B.Civil Misc. Appeal No.1615/2006, however, learned counsel for the petitioner has frankly pointed out that the said appeal has since been dismissed by this Court on 06.07.2007 and the application is, therefore, redundant. The application, IA No.2064/2007 is, therefore, rejected.

Further, learned counsel submits that in view of the order passed in S.B.Civil Misc. Appeal No.1615/2006 affirming the order passed by the trial court striking out defence under Section 13(5) of the Rajasthan Premises (Control of Rent & Eviction) Act, 1950, this writ petition relating to other part of the said order dated 26.09.2006 whereby prayer of the petitioner for enlargement of time for depositing of the amount was refused, has practically been rendered redundant and seeks permission to withdraw this writ

petition with liberty to raise appropriate objections at appropriate stage, if so required, and if so advised, in accordance with law. Learned counsel for the respondent does not oppose such proposition.

In view of the aforesaid, the petitioner is permitted to withdraw this writ petition and the petition is dismissed as withdrawn with liberty as prayed.

(DINESH MAHESHWARI),J.

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